



# *Rhode Island Department of Public Safety*

## *Capitol Police*

ORDER	EFFECTIVE DATE	NUMBER	ISSUING DATE
GENERAL	26 AUG 20	320.05	28 JAN 14
SUBJECT TITLE		SUBJECT AREA	
IMPARTIAL POLICING		PATROL FUNCTIONS	
RIPAC REFERENCE		PREVIOUSLY ISSUED DATES	
2.8		2/11/14, 8/15/14, 4/29/15, 6/6/16, 8/24/17, 10/24/17, 12/31/18, 11/14/19	
DISTRIBUTION	REEVALUATION DATE		PAGES
ALL	ANNUAL		4

## IMPARTIAL POLICING

### I. PURPOSE

This policy is intended to assist members in accomplishing the department's total mission in a way that respects the dignity of all persons and yet sends a strong deterrent message to actual and potential lawbreakers that if they break the law, they should expect to be held accountable.

The purpose of this policy is to state that profiling based solely on race, ethnicity, sexual orientation, disability, religious belief, age, gender, or gender identity/expression in law enforcement is expressly prohibited. The purpose of this policy is also to provide guidelines for officers to prevent occurrences of profiling-based treatment and to provide appropriate guidelines and procedures for the investigation of complaints of disparate treatment of citizens at traffic stops or other citizen-police encounters that will be fair to both the citizen and the officer. It is also the intent of this policy to adhere to contents of RIGL 31-21.2 Racial Profiling Act of 2004.

### II. POLICY

It is the policy of the Rhode Island Capitol Police Department that all members are strictly prohibited from engaging in biased policing activities – including traffic contacts, field contacts, asset seizure and forfeiture efforts.

### III. DISCUSSION

Members of this department will treat all individuals equally and will not participate in, nor condone, the disparate treatment or profiling based solely on race, ethnicity, sexual orientation, disability, religious belief, age, gender, or gender identity/expression.

The use of biased policing for stopping, detaining, or searching motorists or passengers is strictly prohibited. The use of race or ethnicity shall not be used, in whole for stopping or searching motorists on the public highways except when probable cause exists or when such status is used in combination with other identifying factors in seeking to apprehend a specific suspect whose race or ethnicity is part of the description of the suspect.

This policy shall not prohibit, as part of a criminal investigation, the use of an individual's race, nationality, ethnicity, gender, gender identity/expression, sexual orientation, disability, religion, age, or any combination of such factors as a part of a specific description of a suspect, witness, or victim.

This policy is not intended to preclude officers from engaging in community care-taking functions, or engaging in casual social conversations such as, but not limited to, assisting members of the general public, observing a substance leaking from a vehicle or a flat tire; checking on someone who appears to be ill, lost, or confused; or considering a person's apparent age when investigating a complaint.

### IV. DEFINITIONS

**A. Biased Policing** – The detention, interdiction, or other disparate treatment of an individual on the basis of the racial or ethnic status of such individual, except when such status is used in combination with other identifying factors in seeking to apprehend a specific suspect whose racial or ethnic status is part of the description of the suspect, which description is reasonably timely and reliable

**B. Articulate/reasonable suspicion** – It is based on a specific, articulable set of facts and circumstances that leads a law enforcement officer to believe criminal activity is involved and these facts and circumstances can lead to a stop and temporary detention of a person for questioning. Information must be more substantial than a mere hunch but can be less than probable cause. A frisk (i.e., terry rule) may be appropriate under this definition

**C. Probable cause** – Sufficient knowledge of articulable facts and circumstances that would lead a reasonable law enforcement officer to believe that a person has either committed or is about to commit an offense. Probable cause is a necessary element to place a person under arrest and/or to apply for a search warrant to conduct a search of a home or a person's property

**D. Field interview/contact** - The brief detainment of an individual, whether on foot or in a vehicle, based upon reasonable suspicion for the purposes of determining the individual's identity and resolving an officer's suspicions

## **V. PROCEDURES**

- A. All officers are instructed not to abuse their discretion and selectively target specific groups and/or individuals based solely on their race or other biased factors
- B. In response to a report of criminal activity or as part of an officer's self-initiated activities, Biased Policing will not be a factor in the following instances:
  - 1. Determining the existence of probable cause to arrest a person
  - 2. Conducting a "Terry" stop and/or frisk
  - 3. Conducting traffic enforcement activities
  - 4. Conducting any temporary detention of a person or vehicle
  - 5. Conducting field interviews
  - 6. Conducting any search of a person and/or vehicle
  - 7. In any asset seizure or forfeiture proceedings
  - 8. In any community care-taking function
  - 9. As part of any independent decision to conduct an investigation and/or complete a police report
- C. Upon completion of any discretionary search, outside of normal screening practices, an officer will document the search in an Incident Report, articulating the reasonable suspicion or probable cause for the search.

## **VI. MONITORING/RESPONSIBILITIES**

- A. Supervisors of all ranks are responsible for providing effective supervision to reasonably monitor those under their command to ensure compliance with this directive and to take corrective action where indicated
- B. Employees witnessing behavior contrary to this directive or becoming aware of conduct contrary to this directive must immediately report their knowledge of the incident to their immediate supervisor, in the requested form (written report, email, etc.). If their supervisor is the subject of the report or in the absence of their supervisor, the employee must report it to another supervisor or to the next level in the chain of command.
- C. Officers found to violate the prohibition against biased policing may be subject to the following corrective measures to include but not limited to counseling, re-training, disciplinary action and/or dismissal.
- D. The Chief of police will assign a designee to conduct an annual documented review of the agency's practices, citizen concerns, and community concerns regarding biased policing and other discriminating actions.

## **VII. TRAINING**

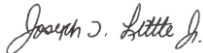
Biased policing undermines legitimate law enforcement efforts and fosters distrust among the community, it serves. Individuals will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit, an infraction of the law.

- A. At a minimum, personnel shall receive initial training pertaining to biased policing, to include legal issues and policy review
- B. Officers will receive further in-service training annually.
- C. All training conducted pursuant to this policy will be documented

## **VIII. COMPLAINTS OF BIASED POLICING**

- A. Any person may file a complaint with the department, alleging a violation of this policy. No person shall be discouraged, intimidated and/or coerced from filing a complaint with the department.
- B. Any employee contacted by a person who wishes to file a complaint, shall provide the citizen with a copy of the Department Citizen Complaint Form and/or a witness statement. The department Citizen Complaint Form can be downloaded from the Rhode Island Capitol Police website.
- C. Biased policing complaints will be investigated and documented by the department.

By Order Of:



Chief of Police